IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.1066 OF 2005

WITH

CIVIL APPLICATION NO.1297 OF 2005

Sant Shri.Asaramji Ashram Trust
& Anr. ...Appellants

Versus

Shri Shriniwas Yalappa Gundla & Anr...Respondents

.....

Mr.Sanjay Thokade for Appellants.

Mr.V.D.Raut for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

APRIL 4, 2006.

P.C.

1. Heard Counsel for the Appellants.

2. I am in agreement with the observations made by the Trial Court that the Appellants were not entitled for any interim relief, inasmuch as, the maintainability of the Suit itself was doubtful

on the ground that it was barred by limitation. The suit agreement was executed on 3rd June 2000, which clearly provides that the final Sale Deed will be executed within 17 months therefrom, which period was to expire on 3rd November 2001. If that period is to be reckoned, the Suit filed on 26th November 2005 was obviously beyond limitation. In other words, prima facie case is not made out. Hence, this Appeal should fail. The same is dismissed.

3. It is, however, made clear that observation made in the impugned order or for that matter, the present order, is only tentative. The issue regarding limitation will have to be decided by the Trial Court in accordance with law.

A.M.KHANWILKAR, J.